

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GARY L. BOGENBERGER, as Special)
Administrator of the Estate of DAVID R.)
BOGENBERGER, deceased,)

Plaintiff,)

vs.)

No. 2013 L 001616

PI KAPPA ALPHA INTERNATIONAL)
FRATERNITY, Inc., A Foreign Corporation,)
PI KAPPA ALPHA ETA NU Chapter, An)
Un-Incorporated Association, ALEXANDER)
M. JANDICK, individually and as an Officer)
of PI KAPPA ALPHA ETA NU Chapter,)
JAMES P. HARVEY, individually and as)
an Officer of PI KAPPA ALPHA ETA)
NU Chapter, OMAR SALAMEH, individ-)
ually and as an Officer of PI KAPPA)
ALPHA ETA NU Chapter, PATRICK W.)
MERRILL, individually and as an Officer)
of PI KAPPA ALPHA ETA NU Chapter,)
STEVEN A. LIBERT, individually and as)
an Officer of PI KAPPA ALPHA ETA NU)
Chapter, JOHN HUTCHINSON, individually)
as Officer of PI KAPPA ETA NU Chapter,)
DANIEL BIAGINI, individually and as an)
Officer of PI KAPPA ETA NU Chapter,)
MICHAEL J. PHILLIP, Jr.,)
THOMAS F. COSTELLO, DAVID R.)
SAILER, ALEXANDER D. RENN,)
MICHAEL A. MARROQUIN, ESTEFAN)
A. DIAZ, HAZEL A.. VERGARALOPE,)
MICHAEL D. PFEST, ANDRES J.)
JIMENEZ, Jr., ISAIAH LOTT, ANDREW)
W. BOULEANU, NICHOLAS A. SUTOR)
NELSON A. IRIZARRY, JOHNNY P.)
WALLACE, DANIEL S. POST, NSENZI K.)
SALASINI, RUSSELL P. COYNER,)
GREGORY PETRYKA, KEVIN ROSSETTI,)
ALYSSA ALLEGRETTI, JESSICA)

ANDERS, KELLY BURBACK, CHRISTINA)
CARRISA, RACHEL CHAVEZ, LINDSEY)
FRANK, DANIELLE GLENNON,)
KRISTINA KUNZ, JANET LUNA,)
NICHOLE MINNICK, COURTNEY)
DENTHAL, LOGAN REDFIELD, KATIE)
REPORTO, TIFFANY SHARON,)
ADRIANNA SOTELO, PRUDENCE)
WILMETT,)
)
)
 Defendants.)

FIRST AMENDED COMPLAINT

Plaintiff GARY L. BOGENBERGER, as Special Administrator of the Estate of David R. Bogenberger, deceased, complaining of defendants PI KAPPA ALPHA INTERNATIONAL FRATERNITY, INC., a Foreign Corporation, PI KAPPA ALPHA ETA NU Chapter, a Voluntary Unincorporated Association, ALEXANDER M. JANDICK, individually and as an Officer of PI KAPPA ALPHA ETA NU Chapter, JAMES P. HARVEY, individually and as an Officer of PI KAPPA ALPHA ETTA NU Chapter, OMAR SALAMEH, individually and as an Officer of PI KAPPA ALPHA ETA NU Chapter, PATRICK W. MERRILL, individually and as an Officer of PI KAPPA ALPHA ETA NU Chapter, STEVEN A LIBERT, individually and as an Officer of PI KAPPA ALPHA ETA NU Chapter, JOHN HUTCHINSON, individually and as an Officer of PI KAPPA ALPHA ETA NU Chapter, DANIEL BIAGINI, individually and as Officer of PI KAPPA ALPHA ETTA NU Chapter, MICHAEL J. PHILLIP, Jr., THOMAS F. COSTELLO, DAVID R. SAILER, ALEXANDER D. RENN, MICHAEL A. MARROQUIN, ESTEFAN A. DIAZ, HAZEL A. VERGARALOPE, MICHAEL D. PFEST, ANDRES JIMENEZ, Jr., ISAIAH LOTT, ANDREW W. BOULEANU, NICHOLAS A. SUTOR, NELSON A. IRIZARRY, JOHNNY P. WALLACE, DANIEL S. POST, NSENZI K. SALASINI

and RUSSELL P. COYNER, GREGORY PETRYKA, KEVIN ROSETTI, THOMAS BRALIS, ALYSSA ALLEGRETTI, JESSICA ANDERS, KELLY BURBACK, CHRISTINA CARRISA, RACHEL CHAVEZ, LINDSEY FRANK, DANIELLE GLENNON, KRISTIANA KUNZ, JANET LUNA, NICHOLE MINNICK, COURTNEY ODENTHAL, LOGAN REDFIELD, KATIE REPORTO, TIFFANY SHARON, ADRIANNA SOTELO, PRUDENCE WILMETT, states:

COUNT I

1. On November 1, 2012, and at all material times hereto, defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc, was a foreign corporation, engaged in the business of organizing, promoting and recruiting membership in local Pi Kappa Alpha chapter fraternities, including the Pi Kappa Alpha Eta Nu Chapter at Northern Illinois University, in DeKalb, Illinois; and, as further part of its business, supervised, advised and controlled the activities and conduct of its local Pi Kappa Alpha chapter fraternities, including the Pi Kappa Eta Nu.

2. On November 1, 2012, and at all material times hereto, defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, was present in and engaged in the business of organizing, promoting and recruiting membership in local fraternities in Cook County, Illinois, including at Northwestern University in Evanston, Illinois.

3. On November 1, 2012, and at all material times hereto, defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, was supported by fees collected by local fraternity chapters, including Pi Kappa Alpha Eta Nu, from fraternity members and prospective members or pledges.

4. On November 1, 2012 and at all material times hereto, defendant PI KAPPA

ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, conducted its business of organizing, promoting and recruiting membership in Pi Kappa Alpha fraternities through, among others, Pi Kappa Alpha Eta Nu chapter at Northern Illinois.

5. On November 1, 2012, plaintiff's decedent David R. Bogenberger was a prospective member or pledge of the Pi Kappa Alpha Eta Nu Chapter at Northern Illinois University in DeKalb, Illinois and was directed by officers of the fraternity to participate in an initiation ritual at the Pi Kappa Alpha Eta Nu premises known as "Mom's and Dad's Night" as a condition to being accepted for membership in Pi Kappa Alpha Eta Nu fraternity, a valued status at Northern Illinois University..

6. On November 1, 2012, and at all material times hereto, defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, committed one or more of the following negligent acts and omissions:

- a. Failed to identify dangerous initiation rituals being undertaken by local Pi Kappa Alpha chapters, including Pi Kappa Alpha Eta Nu, which involved excessive and dangerous consumption of alcohol;
- b. Failed to warn local Pi Kappa Alpha chapters, including Pi Kappa Alpha Eta Nu, about the dangers and risks of alcohol related initiation rituals, although it knew, or should have known such rituals are often fatal;
- c. Failed to adopt reasonable and effective policies to be followed by its local fraternity chapters, including Pi Kappa Alpha Eta Nu, to prevent dangerous initiation rituals involving excessive and dangerous consumption of alcohol;
- d. Failed to take reasonable steps to insure its local chapters, including Pi Kappa Alpha Eta Nu, followed policies and procedures it claimed to have adopted regarding initiations and hazing;

- e. Failed to take reasonable steps to learn whether its local chapters, including Pi Kappa Alpha Eta Nu, were following policies and procedures regarding initiations and hazing it claimed to have adopted;
- f. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, on November 1, 2012, plaintiff's decedent David R. Bogenberger was directed to participate in a required initiation ritual known to as "Mom's and Dad's Night" at the Pi Kappa Alpha Eta Nu fraternity house during which plaintiff's decedent David R. Bogenberger was given and told to drink dangerous and excessive amounts of alcohol by fraternity officers, members and others so that his blood alcohol level reached .43 mg/dl, whereupon he lost consciousness, was placed on a bed in a room in the fraternity house designated for that purpose, and on the evening of November 1-2, 2012 died; whereby his estate suffered presumed substantial pecuniary damages within the meaning of the Illinois Wrongful Death Act (740 ILCS 180/1 et seq.), including loss of his society and support, grief to his family, his lost wages and salary.

8. Further, during the initiation event or ritual known as "Mom's and Dad's Night" on November 1, 2012, plaintiff's decedent David R. Bogenberger suffered damages within the meaning of the Illinois Survival Act (755 ILCS 5/27-6), including being made an object of ridicule, embarrassment and humiliation, pain and suffering.

9. Plaintiff Gary L. Bogenberger brings this action pursuant to the Illinois Wrongful Death and Survival Acts as a Special Administrator on behalf of beneficiaries of the Estate of David R. Bogenberger, deceased, namely: Gary L. Bogenberger (father), Ruth A. Bogenberger

(mother), Matthew C. Bogenberger (brother), Megan A. Bogenberger (sister), Alex J. Bogenberger (brother) and Amy R. Bogenberger (sister). Order attached.

WHEREFORE, plaintiff respectfully requests this Court enter judgment in his favor and against the defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, INC., a Foreign Corporation, for an amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs.

COUNT II

1. On November 1, 2012, and at all material times hereto defendant PI KAPPA ALPHA ETA NU was a voluntary unincorporated association and local chapter of PI KAPPA ALPHA INTERNATIONAL FATERNITY, Inc., a foreign corporation, at Northern Illinois University in DeKalb, Illinois.

2. On November 1, 2012, and at all material times hereto, defendants ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI were duly appointed or elected officers of PI KAPPA ALPHA ETA NU at Northern Illinois, and are sued under this count in their official capacities as officers of PI KAPPA ALPHA ETA NU.

3. On November 1, 2012, and at all material times hereto, PI KAPPA ALPHA ETA NU was an agent of defendant PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, in its business of organizing, promoting and recruiting membership in local chapters of PI KAPPA ALPHA fraternities, and was at all material times acting within the scope of its agency.

4. On November 1, 2012 and at all material times hereto. PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation, was accountable and

responsible as a principal for the acts and conduct of its agent PI KAPPA ALPHA ETA NU, and its duly appointed or elected officers.

5. On November 1, 2012, plaintiff's decedent David R. Bogenberger was a prospective member or pledge of the PI KAPPA ALPHA ETA NU Chapter at Northern Illinois University in DeKalb, Illinois and was required by defendant fraternity officers ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI to participate in an initiation ritual at the PI KAPPA ALPHA ETA NU fraternity house known as "Mom's and Dad's Night" as a condition to being accepted for membership in PI KAPPA ALPHA ETA NU fraternity, a highly valued social status at Northern Illinois University.

6. On November 1, 2012, and at all material times hereto, defendants PI KAPPA ALPHA ETA NU and ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI committed one or more of the following negligent acts and omissions:

- a. Planned and promoted an initiation ritual or event known as "Mom's and Dad's Night" in which fraternity pledges were required, as a condition of membership in the fraternity to consume excessive and dangerous amounts of alcohol;
- b. Required prospective fraternity members or pledges including plaintiff's decedent David R. Bogenberger to participate in an initiation ritual wherein, as a condition to membership in the fraternity, pledges were required to drink excessive and dangerous amounts of alcohol;
- c. As a condition of membership in the fraternity, gave, directed and encouraged prospective fraternity members or pledges, including plaintiff's decedent David R. Bogenberger, to drink excessive and dangerous amounts of alcohol;

- d. After plaintiff's decedent David R. Bogenberger became unconscious, failed to seek medical attention for him, but instead placed him on a bed in a room previously designated for that purpose where he would not be seen or observed;
- e. Were otherwise careless and negligent.

6. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, on November 1, 2012, plaintiff's decedent David R. Bogenberger was required to participate in an initiation ritual known as "Mom's and Dad's Night" at the PI KAPPA ALPHA ETA NU house during excessive and dangerous amounts of alcohol by fraternity officers, members and others so that his blood alcohol level reached .43 mg/dl, whereupon he lost consciousness, was placed on a bed in a room in the fraternity house designated for that purpose, and on the evening of November 1-2, 2012, died; whereby his estate suffered presumed substantial pecuniary damages within the meaning of the Illinois Wrongful Death Act (740 ILCS 180/1 et seq.), including loss of his society and support, grief to his family, his lost wages and salary.

7. Further, during the "Mom's and Dad's Night" on November 1, 2012 plaintiff's decedent David R. Bogenberger suffered damages within the meaning of the Illinois Survival Act (755 ILCS 5/27-6), including being made an object of ridicule, embarrassment and humiliation, pain and suffering.

8. Plaintiff Gary L. Bogenberger brings this action pursuant to the Illinois Wrongful Death and Survival Acts as a Special Administrator on behalf of beneficiaries of the Estate of David R. Bogenberger, deceased, namely: Gary L. Bogenberger (father), Ruth A. Bogenberger (mother), Matthew C. Bogenberger (brother), Megan A. Bogenberger (sister), Alex J.

Bogenberger (brother) and Amy R. Bogenberger (sister). Order attached.

WHEREFORE, plaintiff respectfully requests this Court enter a joint and several judgment in his favor and against the defendants PI KAPPA ALPHA INTERNATIONAL ETA NU, a voluntary unincorporated association, PI KAPPA ALPHA INTERNATIONAL FRATERNITY, Inc., a Foreign Corporation and ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI as duly appointed or elected officers of PI KAPPA ALPHA ETA NU for an amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs.

COUNT III

1. On and prior to November 1, 2012, and at all other material times hereto, defendants ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH (a Cook County resident), PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI approved, organized, planned and promoted an initiation event or ritual at Pi Kappa Alpha Eta Nu fraternity house at Northern Illinois University in DeKalb, Illinois during which fraternity pledges would be required to consume dangerous and excessive amounts of alcohol as a condition to membership in Pi Kappa Eta Nu, a highly valued social status at Northern Illinois University.

2. On November 1, 2012, plaintiff's decedent David R. Bogenberger was a prospective member or pledge of the Pi Kappa Alpha Eta Nu Chapter at Northern Illinois University and was required by officers of the fraternity to participate in an initiation ritual at the Pi Kappa Alpha Eta Nu fraternity house known as "Mom's and Dad's Night" as a condition to being accepted for membership in the Pi Kappa Alpha Eta Nu fraternity, a highly valued social

status at Northern Illinois University.

3. On November 1, 2012, and at material times hereto, defendants ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL,STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI, acting jointly and in concert, committed one or more of the following negligent acts and omissions:

- a. Planned and promoted an initiation ritual or event known as “Mom’s and Dad’s Night” in which Pi Kappa Alpha fraternity pledges were required, as a condition to membership in the fraternity, to consume excessive and dangerous amounts of alcohol;
- b. Designated certain rooms and areas in the Pi Kappa Alpha Eta Nu house to place pledges who became dangerously intoxicated and unconscious rather than obtain necessary medical attention;
- c. Required prospective fraternity members or pledges including plaintiff’s decedent David R. Bogenberger to participate in an initiation ritual wherein, as a condition of membership in the fraternity, pledges were required to drink excessive and dangerous amounts of alcohol;
- d. Gave, directed and encouraged prospective fraternity members or pledges, including plaintiff’s decedent David R. Bogenberger, to drink as a condition to membership in the fraternity, excessive and dangerous amounts of alcohol;
- e. Failed to seek medical attention for plaintiff’s decent David R. Bogenberger after he became unconscious but instead placed him on a bed in a room previously designated for that purpose where he would not be seen or observed;
- f. Were otherwise careless and negligent.

4. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, on November 1, 2012, plaintiff’s decedent David R. Bogenberger was required to

participate in an initiation ritual known as “Mom’s and Dad’s Night” at the Pi Kappa Alpha Eta Nu fraternity house during which plaintiff’s decedent David R. Bogenberger was given and told to drink excessive and dangerous amounts of alcohol by fraternity officers, members and others such that his blood alcohol level reached .43 mg/dl, whereupon he lost consciousness, was placed on a bed in a room in the fraternity house designated for that purpose, and on the evening of November 1-2, 2012, died; whereby his estate suffered presumed substantial pecuniary damages within the meaning of the Illinois Wrongful Death Act (740 ILCS 180/1 et seq.), including loss of his society and support, grief to his family, his lost wages and salary.

5. Further, during the “Mom’s and Dad’s Night” on November 1, 2012, plaintiff’s decedent suffered damages within the meaning of the Illinois Survival Act (755 ILCS 5/27-6), including being made an object of ridicule, embarrassment and humiliation, pain and suffering.

6. Plaintiff Gary L. Bogenberger brings this action pursuant to the Illinois Wrongful Death and Survival Acts as a Special Administrator on behalf of beneficiaries of the Estate of David R. Bogenberger, deceased, namely: Gary L. Bogenberger (father), Ruth A. Bogenberger (mother), Matthew C. Bogenberger (brother), Megan A. Bogenberger (sister), Alex J. Bogenberger (brother) and Amy R. Bogenberger (sister). Order attached.

WHEREFORE, plaintiff respectfully requests this Court enter a joint and several judgment in his favor and against the defendants ALEXANDER M. JANDICK, JAMES P. HARVEY, OMAR SALAMEH, PATRICK MERRILL, STEPHEN A. LIBERT, JOHN HUTCHINSON and DANIEL BIAGINI for an amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs.

COUNT IV

1. On November 1, 2012, and at all material times hereto, defendants MICHAEL J.

PHILLIP, Jr., (a resident of Cook County), THOMAS F. COSTELLO (a resident of Indiana), DAVID R. SAILER (a resident of Bureau County), ALEXANDER D. RENN (a resident of DuPage County), MICHAEL A. MARROQUIN, ESTEFAN A. DIAZ (a resident of Winnebago County), HAZEL A. VERGARALOPE, MICHAEL D. PFEST (a resident of Cook County), ANDRES JIMENEZ, Jr. (a resident of DuPage County), ISAIAH LOTT (a resident of California), ANDREW W. BOULEANU (a resident of Cook County), NICHOLAS A. SUTOR, NELSON A. IRIZARRY, JOHNNY P. WALLACE, DANIEL S. POST, NSENZI K. SALASINI (a resident of Cook County) and RUSSELL P. COYNER (a resident of Will County), GREGORY PETRYKA, KEVIN ROSETTI and THOMAS BRALIS were members of Pi Kappa Alpha Eta Nu fraternity at Northern Illinois, DeKalb, Illinois.

2. On November 1, 2012, plaintiff's decedent David R. Bogenberger was a prospective member or pledge of the Pi Kappa Alpha Eta Nu Chapter at Northern Illinois University in DeKalb, Illinois and was required by officers of the fraternity to participate in an initiation ritual at the Pi Kappa Alpha Eta Nu fraternity house known as "Mom's and Dad's Night" as a condition to being accepted for membership in Pi Kappa Alpha Eta Nu fraternity, a highly valued social status at Northern Illinois University.

3. On November 1, 2012, and at all material times hereto, defendants MICHAEL J. PHILLIP, THOMAS F. COSTELLO, DAVID R. SAILER, ALEXANDER D. RENN, MICHAEL A. MARROQUIN, ESTEFAN A. DIAZ, HAZEL A. VERGARALOPE, MICHAEL D. PFEST, ANDRES JIMENEZ, Jr., ISAIAH LOTT, ANDREW W. BOULEANU, NICHOLAS A. SUTOR, NELSON A. IRIZARRY, JOHNNY P. WALLACE, DANIEL S. POST, NSENZI K. SALASINI, RUSSELL P. COYNER, GREGORY PETRYKA, KEVIN ROSETTI and THOMAS BRALIS, acting jointly and in concert, committed one or more of the following

negligent acts or omissions:

- a. Encouraged plaintiff's decedent David R. Bogenberger to consume excessive and dangerous amounts of alcohol;
- b. Gave plaintiff's decedent excessive and dangerous amounts of alcohol;
- c. Gave plaintiff's decedent David R. Bogenberger alcohol after he had become obviously and dangerously intoxicated;
- d. Failed to seek medical attention for plaintiff's decedent after he became dangerously intoxicated and unconscious;
- e. After plaintiff's decedent became dangerously intoxicated and unconscious carried him to a room previously designated for that purpose and placed him on a bed where he would not be seen or observed;
- f. Were otherwise careless and negligent.

4. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, on November 1, 2012, plaintiff's decedent David R. Bogenberger was required to participate in an initiation ritual known as "Mom's and Dad's Night" at the Pi Kappa Alpha Eta Nu fraternity house during which plaintiff's decedent David R. Bogenberger was given and told to drink excessive and dangerous amounts of alcohol by fraternity officers, members and others so that his blood alcohol level reached .43 mg/dl, whereupon he lost consciousness, was placed on a bed in a room in the fraternity house designated for that purpose, and on the evening of November 1-2, 2012, died; whereby his estate suffered presumed substantial pecuniary damages within the meaning of the Illinois Wrongful Death Act (740 ILCS 180/1 et seq.), including loss of his society and support, grief to his family, his lost wages and salary;

5. Further, during the “Mom’s and Dad’s Night”, plaintiff’s decedent suffered damages within the meaning of the Illinois Survival Act (755 ILCS 5/27-6), including being made an object of ridicule, embarrassment and humiliation, pain and suffering.

5. Plaintiff Gary L. Bogenberger brings this action pursuant to the Illinois Wrongful Death and Survival Acts as a Special Administrator on behalf of beneficiaries of the Estate of David R. Bogenberger, deceased, namely: Gary L. Bogenberger (father), Ruth A. Bogenberger (mother), Matthew C. Bogenberger (brother), Megan A. Bogenberger (sister), Alex J. Bogenberger (brother) and Amy R. Bogenberger (sister). Letters of Office attached.

WHEREFORE, plaintiff respectfully requests this Court enter a joint and several judgment in his favor and against the defendants MICHAEL J. PHILLIP, Jr. THOMAS F. COSTELLO, DAVID R. SAILER, ALEXANDER D. RENN, MICHAEL A. MARROQUIN, ESTEFAN A. DIAZ, HAZEL A. VERGARALOPE, MICHAEL D. PFEST, ANDRES JIMENEZ, ISAIAH LOTT, ANDREW W. BOULEANU, NICHOLAS A. SUTOR, NELSON A. IRIZARRY, JOHNNY P. WALLACE, DANIEL S. POST, NSENZI SALASINI, RUSSELL P. COYNER, GREGORY PETRYKA, KEVIN ROSETTI and THOMAS BRALIS for an amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs.

COUNT V

1. On November 1, 2012, and at all material times hereto, defendants ALYSSA ALLEGRETTI, JESSICA ANDERS, KELLY BURBACK, CHRISTINA CARRISA, RACHEL CHAVEZ, LINDSEY FRANK, DANIELLE GLENNON, KRISTIANA KUNZ, JANET LUNA, NICHOLE MINNICK, COURTNEY DENTHAL, LOGAN REDFIELD, KATIE REPORTO, TIFFANY SHARON, ADRIANNA SOTELO, PRUDENCE WILMETT were students at

Northern Illinois University and participated in an initiation ritual at the Pi Kappa Alpha Eta Nu fraternity house known as “Greek Mom’s and Dad’s Night.”

2. On November 1, 2012, plaintiff’s decedent David R. Bogenberger was a prospective member or pledge of the Pi Kappa Alpha Eta Nu Chapter at Northern Illinois University in DeKalb, Illinois and was required by officers of the fraternity to participate in an initiation ritual at the Pi Kappa Alpha Eta Nu fraternity house known as "Mom’s and Dad’s Night" as a condition to being accepted for membership in Pi Kappa Alpha Eta Nu fraternity, a highly valued social status at Northern Illinois University.

3. On November 1, 2012, and at all material times hereto, defendants ALYSSA ALLEGRETTI, JESSICA ANDERS, KELLY BURBACK, CHRISTINA CARRISA, RACHEL CHAVEZ, LINDSEY FRANK, DANIELLE GLENNON, KRISTIANA KUNZ, JANET LUNA, NICHOLE MINNICK, COURTNEY DENTHAL, LOGAN REDFIELD, KATIE REPORTO, TIFFANY SHARON, ADRIANNA SOTELO, PRUDENCE WILMETT, acting jointly and in concert, committed one or more of the following negligent acts or omissions:

- a. Encouraged plaintiff s decedent David R. Bogenberger to consume excessive and dangerous amounts of alcohol;
- b. Gave plaintiff’s decedent excessive and dangerous amounts of alcohol;
- c. Gave plaintiff s decedent David R. Bogenberger alcohol after he had become obviously and dangerously intoxicated;
- d. Failed to seek medical attention for plaintiff’s decedent after he became dangerously intoxicated and unconscious;
- e. Were otherwise careless and negligent.

4. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, on November 1, 2012, plaintiff's decedent David R. Bogenberger was required to participate in an initiation ritual known as "Mom's and Dad's Night" at the Pi Kappa Alpha Eta Nu fraternity house during which plaintiff's decedent David R. Bogenberger was given and told to drink excessive and dangerous amounts of alcohol by fraternity officers, members and others so that his blood alcohol level reached .43 mg/dl, whereupon he lost consciousness, was placed on a bed in a room in the fraternity house designated for that purpose, and on the evening of November 1-2, 2012, died; whereby his estate suffered presumed substantial pecuniary damages within the meaning of the Illinois Wrongful Death Act (740 ILCS 180/1 et seq.), including loss of his society and support, grief to his family, his lost wages and salary;

5. Further, during the "Mom's and Dad's Night", plaintiff's decedent suffered damages within the meaning of the Illinois Survival Act (755 ILCS 5/27-6), including being made an object of ridicule, embarrassment and humiliation, pain and suffering.

5. Plaintiff Gary L. Bogenberger brings this action pursuant to the Illinois Wrongful Death and Survival Acts as a Special Administrator on behalf of beneficiaries of the Estate of David R. Bogenberger, deceased, namely: Gary L. Bogenberger (father), Ruth A. Bogenberger (mother), Matthew C. Bogenberger (brother), Megan A. Bogenberger (sister), Alex J. Bogenberger (brother) and Amy R. Bogenberger (sister). Letters of Office attached.

WHEREFORE, plaintiff respectfully requests this Court enter a joint and several judgment in his favor and against the defendants ALYSSA ALLEGRETTI, JESSICA ANDERS, KELLY BURBACK, CHRISTINA CARRISA, RACHEL CHAVEZ, LINDSEY FRANK, DANIELLE GLENNON, KRISTIANA KUNZ, JANET LUNA, NICHOLE MINNICK,

COURTNEY DENTHAL, LOGAN REDFIELD, KATIE REPORTO, TIFFANY SHARON,
ADRIANNA SOTELO, PRUDENCE WILMETT for an amount in excess of One Hundred
Thousand Dollars (\$100,000.00), plus costs.

Peter R. Coladarci, Esq.

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